

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
KYLE JIGGETTS,

Plaintiff,

-v-

TRISTAR PATROL SERVICES, INC., et  
al.,

Defendants.  
-----X

06 Civ. 4868 (JSR)

ORDER

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>9-1-09</u>
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JED S. RAKOFF, U.S.D.J.

On February 23, 2009, the Honorable Ronald L. Ellis, United States Magistrate Judge, issued a Report and Recommendation ("Report") in the above-captioned matter recommending that the Court deny plaintiff's motion for summary judgment.

Neither party has filed any objection to the Report, and for that reason alone, the parties have waived any right to further appellate review. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002); Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d Cir. 2000). Accordingly, the Court hereby adopts the Report, and, for the reasons stated therein, denies plaintiff's motion for summary judgment.

As also recommended by Judge Ellis, the Court further directs the parties to file their Joint Pretrial Order 30 days from the date of this Order - i.e., no later than October 1, 2009. After the Court has received the parties' Joint Pretrial Order, it will set a date for trial.

SO ORDERED.

Dated: New York, NY  
September 1, 2009

  
JED S. RAKOFF, U.S.D.J.